IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

P. I. L. NO.59 OF 2005
WITH
CIVIL APPLICATION NO.29 OF 2005

PIL No.59/2005:

Prajeshsingh I. Parmar. ...Petitioner.
Vs.
The Union of India & Ors. ...Respondents.
....

C.A. No.29/05 :

Lions Club of Silvassa Charitable Trust. ... Applicant.
Vs.
Prajeshsingh I. Parmar & Ors. ... Respondents.
.....

Mr. S. D. Patil for the Petitioner.
Mr. S. M. Shah for Respondent No.1.
Mr. Ashokan for Respondent No.2.
Mr. O.R. Agarwal for the Applicant.
.....

CORAM : DALVEER BHANDARI, CJ. AND
DR.D.Y.CHANDRACHUD, J.

October 19, 2005.

P.C.

The relief that has been sought in these proceedings, in a petition which purports to be filed in the public interest, is a direction to the Union of India and to the Administrator of the

Union Territories of Dadra and Nagar Haveli, to distribute seats in educational institutions on a pro rata basis to students who have successfully completed their Twelfth Standard examination from the Central Board of Secondary Education and the Gujarat Higher Secondary Education Board. It has been submitted that for a variety of reasons, students who appear for the examinations conducted by the Gujarat Higher Secondary Education Board are placed at a disadvantage as compared to students who appear at the CBSE exams.

2. We are of the view that reliefs that have been sought in the Petition are basically not amenable to judicial review. We are also inclined to take the view that this petition cannot be entertained as a public interest petition.

3. An application for intervention has been filed in these proceedings by the Lions Club of Silvassa Charitable Trust and the attention of the Court has been drawn to the background of the Petitioner. The intervenor has stated that the Petitioner conducts

a hotel by the name of 'Popular Hotel' for the purposes of which he holds a licence for the sale of Indian made foreign liquor. The Petitioner is also stated to be running another hotel on a contract basis. We need not advert to the other allegations which have been made by the intervenor. We had called upon the Learned Counsel appearing on behalf of the Petitioner to demonstrate his client's interest in pursuing these proceedings. We are not satisfied about the genuineness and bonafides of the Petitioner in instituting these proceedings. The Petitioner has no track record to espouse a matter relating to the distribution of seats in educational institutions, as between two Boards conducting the higher education examination. A Petitioner who moves the Court in the public interest must be in a position to demonstrate before the Court his bonafides in instituting the proceedings. The Petitioner has been unable to do so and we are satisfied that this is not a petition genuinely filed in the public interest. We, therefore, in these circumstances, dismiss the petition.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)